

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action Number
)	07-00204-01-CR-W-SOW
Monard D. Mosley,)	
)	
Defendant.)	

Report and Recommendation

On June 19, 2007, the Grand Jury returned a one-count indictment charging Defendant Monard D. Mosley with being a felon in possession of a firearm. During defendant Mosley's initial appearance, the Court took a financial affidavit from defendant Mosley and appointed counsel pursuant to the Criminal Justice Act. On September 27, 2007, defendant Mosley filed a motion requesting removal of his appointed counsel and permission to appear *pro se*. After a hearing, the Court reluctantly granted defendant Mosley's motion to proceed *pro se*.

Subsequently, on December 21, 2007, the Court granted the United States' motion for a judicial determination of defendant Mosley's mental competency under 18 U.S.C. §4241 and also found that it was no longer in the interests of justice nor the interests of the defendant to allow him to proceed *pro se* any further in this matter. Accordingly, the Court appointed Lisa G. Nouri as counsel for defendant under the Criminal Justice Act. Pending before the Court are Defendant Monard D. Mosley's *pro se* pleadings entitled *Motion To Dismiss Case For Mistaken Identity & Jurisdictional Issues Over A Sovereign*, and *Affidavit of Mistaken Identity*, filed

November 6, 2007 [Docs. #27 and 28). In light of the appointment of Ms. Nouri, and inasmuch as the Court is hard pressed to decipher and discern the gist of defendant Mosley's pro se motion to dismiss, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order **DENYING** Monard D. Mosley's *pro se* pleading entitled *Motion To Dismiss Case For Mistaken Identity & Jurisdictional Issues Over A Sovereign*, and *Affidavit of Mistaken Identity*, filed November 6, 2007 [Docs. #27 and 28) without prejudice to the reassertion by and through appointed counsel of any of the issues asserted therein after consultation with defendant Mosley.

Counsel are reminded that each has 10 days from the date of receipt of a copy of this report and recommendation to file and serve specific objections to the same. A failure to file and serve timely objections shall bar attack on appeal of the factual findings in this report which are accepted or adopted by the district judge except upon the ground of plain error or manifest injustice.

/s/ John T. Maughmer
JOHN T. MAUGHMER
U. S. MAGISTRATE JUDGE